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Sequence Number: _____
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File Date: _____
Effective Date: _____

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Tennessee Department of Human Services
Division:	Family Assistance
Contact Person:	Kim Summers
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Revision Type (check all that apply):

- ☒ Amendment
☐ New
☐ Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
1240-01-08	Definitions and Abbreviations
Rule Number	Rule Title
1240-01-08-.01	Definitions

Chapter Number	Chapter Title
1240-03-01	General Rules
Rule Number	Rule Title
1240-03-01-.02	Definitions

Chapter 1240-01-08
Definitions and Abbreviations

Amendments

Rule 1240-01-08-.01, Definitions, is amended by adding a new paragraph (74), and renumbering all subsequent paragraphs accordingly, so that the new paragraph (74) shall read as follows:

- (74) Services. In addition to services related to eligibility for program benefits, services to applicants and recipients shall also include the release of information from program files that is deemed necessary to protect the safety and / or well-being of the applicant / recipient, in the event that the applicant / recipient is reasonably considered to be a danger to him / herself or others based on information provided by the applicant / recipient or his / her household or assistance group. The release of information in these circumstances shall be considered integral to the administration of the program.

Authority: T.C.A. §§ 4-5-201 et seq., 71-1-105 and 71-3-157; 45 C.F.R. § 205.50(a)(1)(i); 7 C.F.R. § 272.1(c)(1)(i).

Chapter 1240-03-01
General Rules

Amendments

Rule 1240-03-01-.02, Definitions, is amended by adding to paragraph (1) a new subparagraph (jj), and relettering all subsequent subparagraphs accordingly, so that the new subparagraph (jj) under paragraph (1) shall read as follows:

- (jj) Services. In addition to services related to eligibility for program benefits, services to applicants and recipients shall also include the release of information from program files that is deemed necessary to protect the safety and / or well-being of the applicant / recipient, in the event that the applicant / recipient is reasonably considered to be a danger to him / herself or others based on information provided by the applicant / recipient or his / her household or assistance group. The release of information in these circumstances shall be considered integral to the administration of the program.

Authority: T.C.A. §§ 4-5-201 et seq. and 71-1-105; 42 C.F.R. § 431.302.

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Department of Human Services (board/commission/ other authority) on 06/08/2010, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 03/31/10

Rulemaking Hearing(s) Conducted on: (add more dates). 05/25/10 and 05/27/10

Date: _____

Signature: _____

Name of Officer: Kim Summers

Title of Officer: Deputy General Counsel

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

Date(s), Time(s) and Place(s) of Public Hearing(s): May 25, 2010, 6:30 p.m. Central Time, Department of Human Services, 2nd Floor Conference Room #1, Citizens Plaza Building, 400 Deaderick Street, Nashville, Tennessee 37243; May 25, 2010, 6:30 p.m. Eastern Time, Conference Room A, 7th Floor, 531 Henley Street, Knoxville, Tennessee 37902; and May 27, 2010, 6:30 p.m. Central Time, Donnelley J. Hill State Office Building, 2nd Floor Auditorium, 170 North Main Street, Memphis, Tennessee 38103.

Public hearings were held on the dates, times and places noted above by the Department of Human Services to receive comments regarding amendments to the above referenced rules. No comments were received.

Regulatory Flexibility Addendum

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

For purposes of Acts 2007, Chapter 464, the Regulatory Flexibility Act, the Department of Human Services certifies that these rulemaking hearing rules do not appear to affect small businesses as defined in the Act. These rules do not regulate or attempt to regulate businesses.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 “any rule to proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

These rules have no projected financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rulemaking has created two new rules to define “services” – one rule to be used in the context of Medicaid and the other in the context of other Family Assistance programs. The rules define “services” to include the release of information from program files when necessary to prevent harm to or cause by an individual receiving or applying for services.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

These rules are not required by any state or federal law but are consistent with the federal laws governing the applicable Family Assistance programs as well as the HIPAA regulations which permit the release of otherwise confidential health information under the circumstances described without the express permission of the applicant / recipient.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

These rules specifically impact clients of the Department who may threaten violence against themselves or others. No client has urged either adoption or rejection of these rules.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

N/A

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

These rules are not expected to have any fiscal impact.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Kim Summers, Deputy General Counsel, Department of Human Services

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Kim Summers, Deputy General Counsel, Department of Human Services

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A